

fidh

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POLITICAL VIOLENCE IN MALDIVES

FIDH calls on the International Community to prevent the further deterioration of human rights ahead of the release of the report by the Commission of National Inquiry (CoNI)



Source: anonymous

FIDH conducted a fact-finding mission in the Maldives from 30th July to 2nd August 2012. The team met with a wide range of stakeholders from the civil society including victims of political violence, ministries, independent institutions, United Nations, and members of the opposition.

FIDH calls on the international community to immediately engage all relevant stakeholders to prevent further deterioration of the human rights situation as well as to closely monitor the situation, especially in the prospect of the release of CoNI's report, and to actively act to support a return to the reform agenda.

Background Information

- The constitutional reform process that began in Maldives in June 2004, following the custodial death of Evan Naseem and riots in September 2003, led to the first democratic presidential elections in 2008, ending the 30-year old rule of Maumoon Abdul Gayoom. Mohamed Nasheed (aka 'Anni') became the first democratically elected president of Maldives.
- From December 2011, a coalition of opposition parties and NGOs began to rally to contest some steps taken throughout the reform process, culminating in the formation of the 23 December Coalition to protect Islam.
- Following the arrest of Chief Judge of the Criminal Court, Abdulla Mohamed, on 16th January 2012, Mohamed Nasheed faced ongoing opposition demonstrations in the capital Male. The then vice-President Waheed met with the 23 December coalition and agreed to “take on the responsibilities in accordance with the constitution [...] if the position of president was vacated for whatever reason”.¹
- On 7th February, Mohamed Nasheed was allegedly compelled to resign, following a police mutiny, and was replaced by a coalition government of opposition parties led by his former vice-President Mohamed Waheed.
- Following the so-called constitutional transfer of power described by some, including the Maldivian Democratic Party of Mohamed Nasheed, as a coup or involuntary transfer of power, reforms have stalled and are in danger of deteriorating.
- A Commission of National Inquiry (CoNI) was established² on 21st February following international pressure to look into the events of 7th February to determine the nature of the transfer of power. As a result of Commonwealth³ mediation, the commission was recomposed on 15th May to include a retired Singaporean Supreme Court Judge, G.P Selvam, to co-chair the CoNI along with government appointees: a nominee by Mohamed Nasheed, as well as UN and Commonwealth appointees. The CoNI's report is due on 30th August.

¹ <http://www.haveeru.com.mv/news/40026>

² See: <http://minivannews.com/politics/president-waheed-forms-commission-to-investigate-transfer-of-power-32454>
<http://www.presidencymaldives.gov.mv/Index.aspx?lid=11&dcid=6847>

³ See: <http://www.thecommonwealth.org/document/248019/200612cmagchairstatement.htm>

- State-organised violence on 8th February that resulted in serious injuries and arbitrary arrests remain unaddressed, with ongoing protests being targeted by the police.
- Institutions that were established to promote and protect human rights and democracy, including the Human Rights Commission of Maldives, appear to be suffering from inertia due to political interference and unrest.
- Frequent disruptions⁴ in the Majlis (Parliament) caused by political feuds have had grave consequences on a number of important pending legislations, including the Penal Code, the Criminal Procedure Code, the Civil Procedure Code and the Evidence Act, as well as the recently passed Drug Bill (29 December 2011). Legislation on the right to peaceful assembly is also pending. The Speaker decided on 31st July to suspend Majlis sessions indefinitely.
- President Waheed's coalition ally, former President Gayoom, has publicly announced⁵ on 31st July his intention to disregard the CoNI's conclusions if the findings are “unfavourable”⁶.
- Recent murders (at least 9 in 2012) have sparked a national debate on whether to implement the death penalty. No execution has taken place since 1953 thanks to the Clemency Act, allowing the President to commute death sentences into life imprisonment.
- Reports of human rights violations include violent repression of protests, arbitrary arrests, sexual harassment of female protestors, torture, harassment of pro-opposition media, assassination attempts of human rights defenders, total impunity for perpetrators of human rights violations, legal and physical harassment of opposition and whistleblowers.
- Maldives is party⁷ to the following international conventions:
 - The International Covenant on Economic, Social and Cultural Rights of 1966 since 2006.
 - The International Covenant on Civil and Political Rights of 1966 since 2006.
 - The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 1984 since 2004.
 - The Convention on the Rights of Persons with Disabilities of 2006 since 2010.
 - The International Convention for the Protection of All Persons from Enforced Disappearance of 2006 since 2007.
 - The Convention on the Elimination of All Forms of Discrimination against Women since 1993.
 - Official entry to the International Criminal Court (ICC) on 1st December 2011, following accession in September 2011.

⁴ BBC news coverage: <http://www.bbc.co.uk/news/world-asia-17430997>

⁵ See: <http://www.haveeru.com.mv/news/43732>

⁶ See: http://www.haveeru.com.mv/national_enquiry_commission/43732

⁷ See: <http://www.ohchr.org/EN/countries/AsiaRegion/Pages/MVIndex.aspx>

Violent repression of peaceful demonstrations

Following his alleged forced resignation on 7th February, former President Nasheed and his supporters from the Maldivian Democratic Party (MDP) demonstrated the next day in the capital Male to denounce what they termed a “coup”. They were violently repressed⁸ by the security forces resulting in several injuries and the attempted murder of an MDP member of Parliament⁹. The display of violence from the authorities has led to large scale continuous demonstrations around the country, occasionally turning violent, such as the burning of government and police buildings. Footage of police violence¹⁰ and testimonies of protestors have emerged on the Internet and have been described by pro-opposition media, denouncing the use of batons, water canons, rubber bullets and pepper spray. The security forces deny the use of excessive violence despite concerns raised by the Commonwealth, the European Union, the OHCHR, local civil society and international human rights NGOs¹¹.

During its mission to Maldives, FIDH collected testimonies from ordinary citizens, none of whom were affiliated to the Maldivian Democratic Party nor to any political party, and were all victims of police brutality. Most of the violence occurred during the arrests. One protestor told the FIDH mission how, while sitting peacefully in front of the police line, he was beaten and sustained injuries to his leg. A young man reported how he was passing by demonstrations and arbitrarily arrested with force.

During party talks, the coalition imposed 30 points¹² – a strong sign the government is taking measures to restrain freedom of assembly, such as requesting protestors to, “not hold rallies on the street” or asking, “all political parties to stop practicing black magic and sorcery”.

On 12th July, the 105th UN Human Rights Committee raised the issue of the right of peaceful assembly while ensuring its responsible and respectful exercise through the identification of best practices that are currently being hampered:

“The Committee, while noting that article 32 of the Constitution guarantees the right of peaceful assembly for everyone and without prior permission, is concerned at the “Regulation concerning Assembly”, which requires at least three persons representing the organizers of public assemblies to submit a written form fourteen days in advance. It is particularly concerned at reported cases of excessive use of force by the Police and the National Defence Forces during demonstrations, including during those which took place from 16 January to 6 February 2012.” (art. 21).¹³

⁸ Former state Minister of Home Affairs kicked: <http://www.youtube.com/watch?v=O-dFAIFFiSk>

⁹ Reeko Moosa Manik was flown to Sri Lanka to receive intensive care: <http://www.youtube.com/watch?v=bA8nB00MteQ&feature=related>

¹⁰ Civilian beaten by police: http://www.youtube.com/watch?feature=player_embedded&v=DWC0Nw5_LB4#!

¹¹ Amnesty International statements: <http://www.amnesty.org/en/news/maldives-security-forces-use-violence-against-peaceful-protesters-2012-03-08>

¹² See: <http://minivannews.com/politics/ruling-coalition-demand-mdp-stop-use-of-black-magic-sexual-and-erotic-tools-not-walk-in-groups-of-more-than-10-38514>

¹³ UN Human Rights Committee Concluding observations adopted by the Human Rights Committee at its 105th session, 9- 27 July 2012, paragraph 23

On 17th July, following days of pro-opposition protests, the UN High Commissioner for Human Rights¹⁴ expressed concern at the “*excessive use of force by security forces [...]. Instances of apparent brutality have been captured on camera. These include the seemingly deliberate and uncalled-for use of some kind of spray on former President Nasheed,¹⁵ and the driving of police vehicles at high speed into crowds of protestors.*”

Arbitrary arrests, politically-motivated charges and poor conditions of detention

On 12th July, the Human Rights Committee flagged “*the poor conditions of detention, the high rate of overcrowding in some prisons and the lack of complaint mechanism for inmates [...] Suspects may be detained by Police/National Defence Forces for more than 48 hours without appearing before a judge and without charge. Suspects don't always benefit from legal assistance.*”

Since February 2012, over 600 people have reportedly been arrested and detained arbitrarily, most of them released after less than 24 hours – the duration after which they need to be brought before a judge. Some of them were re-arrested several times. Defense lawyers have had difficulties accessing detainees, who have been compelled to sign ready-made statements, with no respect for due process of law, in order to confess “violent actions against the police and the destruction of properties”, “incitement to violence against the police”, “inciting other people to disrupt the peace in the area” and sometimes “allegedly practising witchcraft, black magic, sorcery.”¹⁶

FIDH was informed of poor, often overcrowded and unsanitary prison conditions. In Addu atoll, prisoners were allegedly detained in dog cages following the February events.

Alleged torture and sexual harassment of female protestors

Detainees¹⁷ have allegedly suffered beatings and verbal threats from armed forces. A large number of women have led pro-opposition protests¹⁸. FIDH has heard reports of the excessive use of force¹⁹ and sexual harassment of female protestors in detention. Testimonies of female detainees alleged that while conducting body checks, the police asked them to take humiliating positions.

On 12th July, the Human Rights Committee conclusions stated:

“The Committee is concerned at reported cases of torture in some police stations in the State party. It is also concerned at reported cases of torture and ill-treatment by Police and National Defence Forces that occurred in the State party prior to 2008 which have not all been investigated. The Committee is further concerned at information according to which human

¹⁴ See: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=12363&LangID=E>

¹⁵ Video footage of Nasheed peppersprayed: Video of Nasheed pepper sprayed: http://www.youtube.com/watch?v=gaB_15VEiho&feature=related

¹⁶ See p 66 of report «Human Rights Violations» by Mariya Ali, submitted to OHCHR: http://www2.ohchr.org/english/bodies/hrc/docs/ngos/HRViolations_Maldives_HRC105.pdf

¹⁷ Full report «Human Rights Violations» by Mariya Ali: http://www2.ohchr.org/english/bodies/hrc/docs/ngos/HRViolations_Maldives_HRC105.pdf

¹⁸ Video of women led protest at the opening of the parliament: <http://www.youtube.com/watch?v=5FiNqiLuasw&feature=related>

¹⁹ Water canons used against peaceful female protestors: http://www.youtube.com/watch?feature=player_embedded&v=We1CWivDsOA#!

rights violations, including torture, were committed by the Police during the arrest and detention of protestors in the course of the demonstrations of February 8, 2012, in Male' and Addu cities (art. 7).”²⁰

Harassment of pro-opposition media and freedom of expression at threat

FIDH was able to assess the deterioration of media freedom in Maldives in recent months. The influence of the Islamic Ministry and the extreme polarisation of the media have been a cause of concern throughout the reform process, and since last February the authorities have been accused of harassing pro-opposition media and of arresting pro-opposition activists and bloggers.²¹ The Attorney General has pressured independent regulatory bodies into bringing sanctions against pro-opposition Raajee TV.

FIDH met with journalists who reported having been denied access to protests by former President Gayoom's Party, the Progressive Party of Maldives (PPM), and having experienced other forms of harassment. Rajjee TV's satellite access was cut off for 3 months and the police filed a case of defamation against it.

Assassination attempt of a human rights defender on religious grounds

Ismail “Hilath” Rasheed, a prominent blogger and human rights defender, was attacked²² by religious extremists for openly advocating freedom of religion. He narrowly survived after being stabbed in the neck and had to flee Maldives. Due to the high sensitivity of freedom of religion, especially in a context where *fatwas* have been issued against people vocal about this issue, local media, politicians and civil society have been reluctant to publicly defend him out of fear of repression by extremist groups. Auto-censorship is frequent as a mean to avoid public backlash.

During her visit to Maldives in November 2011²³, High Commissioner for Human Rights Navi Pillay warned against, “*a rise in religious intolerance among a small but intimidating minority in the Maldives, and the impact this is having on women [...] Religious intolerance has also manifested itself in disturbing acts such as the closing down of a blog by the Ministry of Islamic Affairs because of the religious views of its creator, Ismail Hilath Rasheed.*”

Impunity for human rights violations perpetrators

The FIDH mission was able to assess the lack of trust from the general public in independent institutions leading to impunity of perpetrators of human rights violations. Due to the highly politicised and polarised environment, these institutions have been perceived as partisan to the new regime. Therefore, the public has been reluctant to turn to them for help. FIDH met with the Human Rights Commission of Maldives (HRCM), the Police Integrity Commission (PIC), and former staff from the Judicial Service Commission (JSC). FIDH was informed that some policemen had been

²⁰ UN Human Rights Committee Concluding observations adopted by the Human Rights Committee at its 105th session, 9- 27 July 2012, paragraph 14

²¹ RSF statement: <http://en.rsf.org/maldives-opposition-tv-station-sabotaged-as-09-08-2012,43189.html>

²² FIDH: <http://www.fidh.org/-Maldives->

²³ See: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=11641&LangID=E>

summoned to the police after giving testimonies to PIC to denounce some violent actions by armed forces²⁴. Six resigned after giving their testimonies.

During the meeting with the Human Rights Commission, the members admitted to receiving only 3 formal complaints since the 7th February events. Despite claims by the Government of Maldives that the Human Rights Commission had been established in accordance with the Paris Principles, it is listed under the B status²⁵.

The authorities have failed to investigate crimes on an impartial basis. Following the murders of a prominent lawyer and a policeman, the police completed the investigation in two days, on the basis of the confession of the suspect, and the trial commenced two days later. On the other hand, despite all the evidence available, investigation for the attempted murder of human rights defender Hilath Rasheed has been stalled.

Legal harassment of opposition leaders and protestors and members of the armed forces denouncing police brutality

Legal cases have been brought against former members of the Government and pro-opposition members of parliament, including former President Nasheed, charged with “illegally ordering the arrest of a senior judge”, and “inciting hatred and violence against police.” His trial is seen by many as politically motivated. The Foreign Minister of Canada²⁶ publicly stated: “*It is clear that the arrests of senior officials of the Nasheed government are politically motivated.*”

As mentioned above, members of the armed forces denouncing police brutality have been dismissed, demoted or charged. The Criminal Court charged the 8th February protestors according to the Anti-Terrorism Act.²⁷

RECOMMENDATIONS

- FIDH calls on Member States to publicly raise their concerns regarding the situation in the Maldives and to request the Maldivian authorities to take all necessary measures to prevent violence, to respect the due process of law and to stop arbitrary arrests.
- FIDH calls on Member States to closely monitor the situation in Maldives, particularly at the occasion of the release of the CoNI's report, and to send observers to Male.
- FIDH calls on the Special Rapporteur on Freedom of Peaceful Assembly to actively contribute to the respect for the right of peaceful assembly while ensuring its responsible and respectful exercise through the implementation of the best practices as defined in the last Special Rapporteur's report in May 2012, and by requesting the Government of Maldives to provide dates for a mission in Maldives since an invitation has already been extended to the Special Rapporteur.

²⁴ See video: http://www.youtube.com/watch?v=qhu7MIDDvcM&feature=player_embedded

²⁵ See: http://www.ohchr.org/Documents/Countries/NHRI/Chart_Status_NIs.pdf

²⁶ See: <http://www.international.gc.ca/media/aff/news-communiqués/2012/07/27b.aspx?lang=eng&view=d>

²⁷ See: <http://minivannews.com/politics/government-presses-terrorism-charges-against-21-mdp-protesters-for-february-8-41894>

ABOUT FIDH

- FIDH takes action for the protection of victims of human rights violations, for the prevention of violations and to bring perpetrators to justice.
- A broad mandate: FIDH works for the respect of all the rights set out in the Universal Declaration of Human Rights – civil and political rights, as well as economic, social and cultural rights
- A universal movement: FIDH was established in 1922, and today unites 164 member organizations in more than 100 countries around the world. FIDH coordinates and supports their activities and provides them with a voice at the international level.
- An independent organization: Like its member organizations, FIDH is not linked to any party or religion and is independent of all governments

CONTACT DETAILS

FIDH – International Federation for Human Rights
17, passage de la Main d'Or – 75011 Paris – France

Email: fidh@fidh.org
Phone: (33-1) 43 55 25 18
Website: www.fidh.org